

REMARKS

Reconsideration and allowance in view of the foregoing amendments and the following remarks are respectfully requested. Specifically, favorable consideration of pending Claims 1-4, 14-17, and 22 is respectfully requested.

THE REJECTION OF CLAIMS 1, 2, 4, 14, 16, 17 AND 22 UNDER 35 U.S.C. §103(a)

Claims 1, 2, 4, 14, 16, 17 and 22 were rejected under 35 U.S.C. §103(a) as being unpatentable over XML Authority by Extensibility Inc. (hereafter "Authority") and further in view of the admitted prior art. The Applicant respectfully traverses this rejection, and further requests that this rejection be reconsidered and withdrawn.

Authority refers to sales literature for a graphical tool for creating and managing XML schemas. With regards to Extensibility's XML Authority®, the literature states, in part:

Extensibility's XML Authority is a graphical tool for creating and managing XML schemas. XML Authority includes a toolset to help convert existing application and document structures to schemas. XML Authority fully supports and extends the XML 1.0 specification for schema. Use XML authority to convert from one schema format to another (e.g., DTD to XML Schema). XML Authority is available for both Windows and UNIX.

Contrary to the assertion set forth in the rejection, Authority does not disclose converting from schema to DTD. Rather, the reference emphasizes the conversion of existing application and document structures to schemas, including the example conversion of DTD to XML. It is respectfully submitted that the inference that Authority discloses the claimed conversion of schema elements into DTD objects requires further substantiation since, as stated before, Authority

touts the conversion of existing application and document structures to schemas, and not vice versa.

More particularly, Authority relates to XML 1.0. According to XML 1.0 specifications, DTD objects are known, previously defined, and furthermore, non-extensible (see Applicant's specification p. 4, lines 20 and 21; and p. 6, line 22 – p. 7, line 2). Further, Authority describes the conversion of predetermined DTD objects to XML schema elements but offers no motivation and, consequently, no means or methods for converting extensible XML schema elements into DTD objects.

Continuing, the rejection points to the discussion at p. 6, lines 17-21 of the specification of the present application, referring to Fig. 2, which states in part, "The validation node factory 30 receives the XML data events from the namespace node factory 24 and uses the DTD objects 32 to evaluate whether the data complies with certain constraints defined by the DTD objects," with the DTD objects built from DTD events (p. 6, line 12). Taken in its full context, the validity evaluation described in connection with the admitted art does not teach or suggest the claimed invention. Specifically, the architecture of Fig. 2 is configured for DTD-specific considerations (p. 6, line 22). As mentioned above, DTD objects are known, previously defined, and non-extensible. On the other hand, XML schemas are order-independent and extensible, and new ones can be created as needed.

Accordingly, the Applicant respectfully submits that Authority and the admitted art both are fundamentally deficient in relation to the claimed invention. In particular, neither provides sufficient disclosure to suggest the conversion of restricted DTD objects into unrestricted, extensible XML schema. The specification even indicates a need to improve the architecture of the node factory design to handle XML-data schemas to build in-memory tree representations and DTD objects for validation purposes. To suggest the claimed invention in view of Authority's conversion of DTD to schema and the admitted

art's disclosure of validating XML data using DTD objects is to reject the claimed invention utilizing a hindsight analysis, which is inappropriate. That is, a problem solved by the claimed invention does not render it obvious in view of existing art.

Thus, when taking all of the limitations of the claims into consideration, as required by MPEP §2143.03, it is clear that the proposed combination of references provide no teaching or suggestion of validating data elements using DTD objects resulting from the conversion of schema elements, and constructing an in-memory tree representation of the XML document using such validated data elements, as claimed. Therefore, for at least the reasons set forth above, it is respectfully submitted that not all of the features of Claim 1 are taught or suggested by the art to establish a *prima facie* case of obviousness, and therefore the rejection thereof under 35 U.S.C. §103(a) should be withdrawn.

In addition, independent Claim 14 was rejected under the same rationale as Claim 1, and therefore the discussion set forth above is applied to distinguish Claim 14 from the proposed combination of art. Further still, the same arguments are applied to dependent Claim 2, 4, 16, 17, and 22. MPEP §2143.03 indicates that if any independent claim is nonobvious under 35 U.S.C. §103, then any claim depending therefrom is nonobvious as well (*In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)).

THE REJECTION OF CLAIMS 3 AND 15 UNDER 35 U.S.C. §103(a)

Claims 3 and 15 were rejected under 35 U.S.C. §103(a) as being unpatentable over Authority and the admitted prior art as applied to Claims 1 and 14 above, and further in view of Hickman, et al. (U.S. Patent 6,564,252; hereafter "Hickman"). The Applicant respectfully traverses this rejection as well, and further requests that this rejection also be reconsidered and withdrawn.

Claims 3 and 15 depend from Claim 1 and 14, respectively, and therefore are distinguishable from Authority and the admitted art for the reasons set forth above. It is further submitted that Hickman does not compensate for the deficiencies of Authority and the admitted art, as discussed above.

That is, Hickman does not teach or suggest any means or method for converting extensible XML schema elements into non-extensible DTD objects, as is presently claimed, nor is such assertion made by the rejection.

Thus, for at least the reasons set forth above, the present rejection under 35 U.S.C. §103(a) should be withdrawn.

CONCLUSION

The remaining references of record have been considered. It is respectfully submitted that they do not compensate for the deficiencies of any of the references utilized in rejecting the pending claims.

All objections and rejections having been addressed, it is respectfully submitted that the present application is now in condition for allowance. Early and forthright issuance of a Notice of Allowability is respectfully requested.

Respectfully Submitted,

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